

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF PUERTO RICO**

**LEONARDO ESTEPAR, et als.,  
Plaintiffs,**

**v.**

**CIVIL CASE NO: 03-1538 (DRD)**

**METROPOLITANO HOSPITAL, et als.,  
Defendants.**

| <b>MOTION</b>   | <b>ORDER</b>  |
|---|---|
| <p><b>Date Filed: 06/08/05</b><br/> <b>Docket #32</b><br/> <input checked="" type="checkbox"/> <b>Plaintiff</b><br/> <input type="checkbox"/> <b>Defendant</b><br/> <b>Title:</b> Motion Requesting Order and Sanctions</p>   | <p><b>GRANTED in part.</b> Rule 26, Fed.R.Civ.P., is crystal clear allowing a party to depose any expert witness, but the deposing party is required to pay the expert reasonable fees and expenses incurred in responding to discovery. As of today, the record does not show that co-defendant PESI has paid its proportionate share of plaintiffs' expert witness fees. The Court hereby grants plaintiffs' request and <b>ORDERS</b> co-defendant PESI to pay its proportionate share of the expert fees. <b>Failure to pay within ten (10) days shall be sanctioned under potential civil contempt and further arrears shall be treated more severally.</b> Further, no imposition of sanctions nor legal interest shall be imposed at this time. Plaintiffs may recover this expense as costs shall them ultimately prevail in their claim and/or if there is any recurrence.</p> |
| <p><b>Date Filed: 08/19/05</b><br/> <b>Docket #44</b><br/> <input type="checkbox"/> <b>Plaintiff</b><br/> <input checked="" type="checkbox"/> <b>Defendant</b><br/> <b>Title:</b> Motion Requesting Default Entered Against Hospital Metropolitano be Set Aside and joining Joint Motion for Summary Judgment filed by Dr. Margarita Pacheco and Pediatric Emergency Services, Inc.</p> | <p><b>GRANTED.</b> The Clerk of Court is <b>INSTRUCTED</b> to set aside the Entry of Default against co-defendant Hospital Metropolitano at Docket Entry No. 7. Further, the Court <b>GRANTS</b> co-defendant Hospital Metropolitano's request joining co-defendants' Joint Motion for Summary Judgment at Docket No. 35. <b>However, Hospital Metropolitano is ORDERED to submit its Answer to the Amended Complaint within ten (10) calendar days. ABSOLUTELY ANY REQUEST FOR AN EXTENSION OF TIME SHALL BE SUMMARILY DENIED, DEFAULT SHALL BE REINSTATED AND ITS REQUEST FOR JOINING CO-DEFENDANTS JOINT MOTION FOR SUMMARY JUDGMENT SHALL BE VACATED.</b></p>   |

**IT IS SO ORDERED.**

In San Juan, Puerto Rico this 10<sup>th</sup> day of December 2005.

**S/DANIEL R. DOMINGUEZ  
DANIEL R. DOMINGUEZ  
U.S. DISTRICT JUDGE**